



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**Via Facsimile and First Class Mail**

Fax (202) 842-1888

Tel (202) 842-2600

**SEP -7 2011**

Mr. Roger Pollak, Esq.  
Ms. Tearyn J. Loving, Esq.  
Bredhoff & Kaiser, P.L.L.C.  
805 15<sup>th</sup> Street, NW  
10<sup>th</sup> Floor  
Washington, DC 20005

RE: MUR 6495  
BlueGreen Alliance, Inc.

Dear Mr. Pollak and Ms. Loving:

On August 30, 2011, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 434(c) and (g), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Dominique Dillenseger  
Attorney

Enclosure  
Conciliation Agreement

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )

4 )  
5 BlueGreen Alliance, Inc. ) MUR 6495  
6 )

7  
8 **CONCILIATION AGREEMENT**  
9

10 This matter was initiated by a *sua sponte* submission made to the Federal Election  
11 Commission ("the Commission") by BlueGreen Alliance, Inc. ("The Respondent"). The  
12 Commission engaged the Respondent in an expedited Fast-Track Resolution pursuant to its *Sua*  
13 *Sponte* policy, 72 Fed. Reg. 16,695 (Apr. 5, 2007), and thus has not made reason-to-believe  
14 findings in this matter.

15 NOW, THEREFORE, the Commission and the Respondent, having participated in  
16 informal methods of conciliation, prior to a finding of reason to believe or probable cause to  
17 believe that a violation has occurred, do hereby agree as follows:

18 I. The Commission has jurisdiction over the Respondent and the subject matter of  
19 this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.  
20 § 437g(a)(4)(A)(i).

21 II. Respondent has had a reasonable opportunity to demonstrate that no action should  
22 be taken in this matter.

23 III. Respondent enters voluntarily into this agreement with the Commission.

24 IV. The pertinent facts in this matter are as follows:

25 1. Respondent BlueGreen Alliance, Inc. is a Section 501(c)(4) group formed in  
26 2006 as an alliance between labor unions and environmental organizations. Respondent is not  
27 registered as a political committee.

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1                   2. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires  
2 every person (other than a political committee) that makes independent expenditures in an  
3 aggregate amount or value in excess of \$250 during a calendar year to file with the Commission  
4 a verified statement or report of such expenditures. See 2 U.S.C. § 434(c). The timing and  
5 frequency of such filings depends on the amount of the expenditures and when they are made.  
6 See 11 C.F.R. § 109.10(b). Independent expenditures aggregating \$250 or more are required to  
7 be reported in accordance with the quarterly reporting schedule specified in 11 C.F.R.  
8 § 104.5(a)(1)(i) and (ii). *Id.* Independent expenditures aggregating \$1,000 or more made after  
9 the 20<sup>th</sup> day, but more than 24 hours before the day of an election, must be reported within 24  
10 hours following the date on which the communication is publicly distributed. 2 U.S.C.  
11 § 434(g)(1)(A) and 11 C.F.R. § 109.10(d).

12                   3. Respondent spent \$94,617.86 to print and mail 180,000 flyers advocating the  
13 defeat of Senator Blanche Lincoln and in support of candidate Bill Halter, in the Arkansas  
14 Senate Democratic primary race. The flyers were mailed on May 11, 12, and 13, 2010, days  
15 before the primary election on May 18, 2010. Respondent failed to file a 24-Hour Report  
16 within 24 hours of its expenditure, as required by 2 U.S.C. § 434(g), and failed to file a July  
17 Quarterly Independent Expenditure Report on or before July 15, 2010, as required by 2 U.S.C.  
18 § 434(c).

19                   4. Respondent contends this was the first time it had ever made an independent  
20 expenditure. Respondent further contends that the failure to file was inadvertent and was the  
21 result of staff inexperience with the Commission's filing requirements.

22                   5. Respondent contacted the Commission in September 2010 to disclose that it  
23 had not timely filed the required disclosure reports and to indicate that it took corrective action

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by filing these reports on September 29, 2010. Respondent also represented that it has taken remedial measures to prevent any recurrence by appointing an "FEC Compliance Officer."

V. Respondent failed to timely file a 24-Hour Report of Independent Expenditures and the 2010 July Quarterly Independent Expenditure Report, in violation of 2 U.S.C. §§ 434(g) and (c).

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Six Thousand Dollars (\$6,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent will cease and desist from violating 2 U.S.C. §§ 434(c) and (g).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Christopher Hughey  
Acting General Counsel

BY:

Kathleen Guith  
Kathleen Guith  
Acting Associate General Counsel  
for Enforcement

9-6-11  
Date

FOR THE RESPONDENT:

David A. Foster  
(Name) DAVID A. FOSTER  
(Position) Exec. Dir.  
BlueGreen Alliance

7-5-11  
Date

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